

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

JTS/SIMMS, LLC
a New Mexico Limited liability company
Debtor.

Case No. 11-07-12153 SA
Chapter 11

JTS/SIMMS, LLC,
Plaintiff,

v.
SIMMS BUILDING, INC., a
New Mexico corporation,
Defendant.

Adv. Pro. 07-01132 s

**SCHEDULING ORDER RESULTING FROM FINAL PRETRIAL
CONFERENCE**

This matter came before the Court for a final pretrial conference on April 28, 2008. Counsel for the parties are listed in the service section below.

Trial

IT IS ORDERED that trial of this matter has been set for 9:00 a.m. on June 5, 2008, with one (1) full day reserved for trial. If necessary, trial will be continued on June 6, 2008. Trial will be conducted by the Honorable James Starzynski in the Animas Courtroom, Thirteenth Floor, Dennis Chavez Federal Building and United States Courthouse, 500 Gold Ave. S.W., Albuquerque, NM.

Exhibits

IT IS ORDERED that the parties exchange exhibits they intend to use at trial by May 28, 2008. By 4:30 p.m. on June 4, 2008, parties shall submit five (5) sets of exhibits to the Court's chambers, for use of the Court, the Court's staff attorney and the witness. No later than the same date the parties shall have delivered a set of exhibits to counsel for each party and to any unrepresented party. Parties must inform the Court, as the first

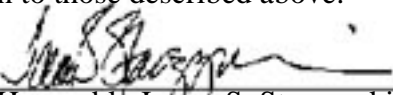
matter of business on June 5, 2008, which exhibits that the parties stipulate are admissible. By stipulating to the admission of an exhibit, a party is not waiving his or her right to argue relevance, weight or materiality of the exhibit, including the right to argue that the exhibit in question should be treated as if it had not been admitted. (The purpose of this ruling is to minimize trial time spent authenticating exhibits for admission.) All exhibits will be offered and received in evidence as the first item of business at trial. Exhibits not listed will generally not be allowed, except for rebuttal exhibits which could not be anticipated.

Witnesses

IT IS ORDERED that the deadline to exchange lists of witnesses the parties intend to or may call by May 28, 2008. Witnesses not listed will generally not be allowed, except for rebuttal witnesses the need for whose testimony could not be reasonably anticipated. The failure to list an individual party (as used in 11U.S.C. §101 to mean human being) will not preclude that party from being called as a witness, although neither this order nor listing a witness on a witness list shall be deemed to have compelled the witness to appear for trial.

Remedies for Noncompliance

IT IS ORDERED that failure of a party or counsel to comply with the provisions of this order may result, in the discretion of the Court, in the imposition of sanctions or corrective measures in addition to those described above.



Honorable James S. Starzynski
United States Bankruptcy Judge

Entered on Docket Date: May 7, 2008

Submitted by:

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By: Submitted by e-mail 5/7/08

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